GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Home Department – Disciplinary proceedings against Sri S.Mahaboob Basha, Office Superintendent, 14th Bn., APSP, Anantapuramu, now retired from service – Explanation submitted – Considered - Further action dropped – orders – Issued.

HOME (SERVICES-III) DEPARTMENT

G.O.RT.No. 124 Dated: 24-02-2016

Read the following:

1. From DGP, AP, Hyd., Lr.Rc.No.1352/Appeal-4/2008, dt.03.09.2015
2. Govt.Memo.No.21315/Ser.III/A1/2014, dated 19.11.2015.
3. Explanation received from Sri S.Mahaboob Basha, Office Supdt.(Retd), 14th Bn., APSP, Anantapuramu, dt:24.12.2015.

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ORDER:

In the reference 1st read above, the Director General of Police, Andhra Pradesh, Hyderabad has reported that an Oral Enquiry against Sri S.Mahaboob Basha, Superintendent (Retired), was conducted but action under APCS (CC&A) Rules could not be taken against him due to his retirement from service on 30.04.2013 on superannuation and requested the Government to take further action as per Rule-9 of AP Revised Pension Rules, 1980, since Government is alone competent to take action on retired employees.

2. Accordingly, in the reference 2nd read above, Sri S.Mahaboob Basha, Superintendent (Retired), was issued a show cause notice to explain why 5% cut in his pension for a period of 10 (Ten) years should not be imposed against him, as per the charge proved in the oral enquiry.

3. In the reference 3rd read above, S.Mahaboob Basha, Superintendent (Retired), has filed his explanation and stated that the provisional decision of imposing the penalty of 5% cut in the service pension for ten years against him is unreasonable and unjustified consequent to the acquittal of the Calendar Case No.393/2010 on the file of the Court of the Additional Judicial Magistrate of I Class, Anantapuramu, dated: 31-08-2012 against him. He further stated that the allegation and Disciplinary Proceedings issued by the Deputy Inspector General of Police, Kurnool Range, Kurnool are false and baseless, and hence the Court of the Addl.Judicial Magistrate of I Class, Anantapuramu acquitted him on the same charges. He further stated that after a lapse of 12 years of the event taken place, the said allegation was foisted against him and after retirement way back (3) years, raising the false allegation by giving him a Show Cause Notice and asking for his explanation by Government is not in accordance with the principles of natural justice and requested to drop further action against him in the interests of justice.

4. Government after careful examination of the explanation filed by the Charged Officer i.e. Sri S.Mahaboob Basha, Superintendent (Retired), and taking into consideration of acquittal in criminal case in the concerned court on the same charge, hereby decided to drop all further action against him. Consequently, the suspension period from 26.07.2003 to 02.11.2003 shall be treated as "on duty".

5. The Director General of Police, Andhra Pradesh, Hyderabad is requested to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANMOHAN SINGH
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Director General of Police, Andhra Pradesh, Hyderabad.
Copy to:
The Individual concerned (through the Director General of Police, AP., Hyderabad)
The Deputy Inspector General of Police, Kurnool Range, Kurnool.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER